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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,116	08/26/2003	Donald E. Fraser	HUN.235	3137
24062	7590	03/26/2004	EXAMINER	
CAMORIANO & ASSOCIATES 8225 SHELBYVILLE ROAD LOUISVILLE, KY 40222			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER

3634

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,116	FRASER ET AL.	
	Examiner	Art Unit	
	Gregory J. Strimbu	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/26/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “at least one louver” on line 3 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the louver set forth above or is attempting to set forth another louver in addition to the one set forth above.

Recitations such as “an axis of rotation” on line 4 of claim 6 render the claims indefinite because it appears that the plurality of louvers each rotate about an axis rather than all of the louvers rotating about a single axis. Recitations such as “the resistance” on line 5 of claim 6 render the claims indefinite because they lack antecedent basis. Recitations such as “an axis of rotation” on line 3 of claim 7 render the claims indefinite because it is unclear if the applicant is referring to the axis of rotation set forth above or is attempting to set forth another axis of rotation in addition to the one set forth above. Recitations such as “stops said one end” on line 3 of claim 8 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What is being stopped?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Busse et al. Busse et al. disclose a brake arrangement for a shutter louver, comprising a shutter frame 12, at least one louver 32 having left and right ends and mounted in the shutter frame for rotation about a pivot axis, at least one louver mounting pin 34 mounted along the pivot axis of the louver and projecting out one of the ends of the louver, a receptacle 51 on the shutter frame which receives the projecting louver pin and a band brake element 56 mounted over the pin and inside the receptacle, the band brake element applying a radially inwardly directed force against the louver mounting pin (see column 4, lines 2-5), the band element has first and second ends (not numbered, but seen in figure 3 as the upper and bottom ends of the brake element 56), the receptacle defines first and second stops 48 and 44.

Claims 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagenen. Wagenen discloses a brake arrangement for a shutter louver comprising a shutter frame (A), a plurality of louvers (not numbered, but seen in figure 1) pivotably mounted for rotation inside the frame about an axis of rotation and means (C) for progressively increasing the resistance to rotation as the louvers are rotated about the axis, a brake band (H), the receptacle has a stop (not numbered, but shown as the end of the bore in which the pivot pins reside) which stops one of the ends of the brake band.

Allowable Subject Matter

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the band brake element comprising a coil spring which compresses radially inwardly against the pine and wherein the first and second brake elements ends project outwardly. See lines 1-4 of claim 4.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lindemann, Thompson, Taylor, Ohanesian, Neiman, Iwasaki and Johnson are cited for disclosing a means for retarding the rotation of louvers in a shutter louver system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish extending from the end.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 19, 2004